

ORIGINAL

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS, TEXAS

U.S. DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FILED
DEC - 6 2007
CLERK, U.S. DISTRICT COURT
By _____ Deputy

ADAN CERRILLO-HERNANDEZ

PLAINTIFF,

v.

MICHAEL CHERTOFF, SECRETARY OF THE
DEPARTMENT OF HOMELAND SECURITY,
AND
ANGELA BARROWS, DISTRICT DIRECTOR,
U.S. CITIZENSHIP AND
IMMIGRATION SERVICES,

DEFENDANTS

CASE NO. _____

• 307 CV 2041-G

17293

PLAINTIFF'S ORIGINAL COMPLAINT

Adan Cerrillo-Hernandez ("Plaintiff") files this original complaint, and shows:

1. Plaintiff brings this case against Defendants to review adverse action taken on an Application for Naturalization (the "Application") filed by Plaintiff in accordance with section 316 of the Immigration and Nationality Act (the "Act").¹ The Application was filed and remains within the jurisdiction of Defendants, who have improperly denied the Application to Plaintiff's detriment.

JURISDICTION

2. This Court's jurisdiction over this case is proper under section 310(c) of the Act,² 28 U.S.C. §§ 1331 and 1361, and 5 U.S.C. §§ 701 *et seq.* Relief is requested pursuant to those statutes.

¹ Immigration and Nationality Act, 8 U.S.C. § 1427.

² *Id.* § 1421(c).

PARTIES

3. Plaintiff Adan Cerrillo-Hernandez is a native and citizen of Mexico. He has resided in the United States as a lawful permanent resident (“LPR”) since December 01, 1990.
4. Defendant Michael Chertoff, Secretary of the Department of Homeland Security, is named in this complaint in his official capacity only. He is generally charged with enforcement of the Immigration and Nationality Act and is further authorized to delegate such powers and authority to subordinate employees of the Department of Homeland Security.³ Specifically, the Secretary of Homeland Security is responsible for the adjudication of Applications for Naturalization filed under section 316 of the Act.⁴ Citizenship and Immigration Services (the “Service”) is the agency within the Department of Homeland Security to whom the Secretary’s authority has, in part, been delegated and is subject to the Secretary’s supervision.
5. Defendant Angela Barrows is the Director of the Dallas District Office of the Service. As the District Director, she is generally charged with supervisory authority over all operations of the Service within her District.⁵ She is named in this complaint in her official capacity only. Defendant District Director is the official who has denied Plaintiff’s Application for Naturalization.

VENUE

6. Venue is proper in the Northern District of Texas, in accordance with 28 U.S.C. § 1391(e), in that this is an action against officers and agencies of the United States in their

³ *Id.* § 1103(a).

⁴ *Id.* § 1427.

⁵ 8 C.F.R. § 103.1(b) (2007).

official capacities, brought in the District where a Defendant resides and where a substantial part of the events or omissions giving rise to Plaintiff's claim occurred.

EXHAUSTION OF REMEDIES

7. Plaintiff has exhausted all of his administrative remedies. Through counsel, Plaintiff has administratively appealed the Service's original denial of his Application for Naturalization, in accordance with section 336 of the Act.⁶

CAUSE OF ACTION

8. Plaintiff has been a lawful permanent resident since December 01, 1990. Fourteen years after becoming a permanent resident, on January 15, 2004, Plaintiff was arrested and later convicted⁷ in Athens, Texas for a violation of section 101.31 of the Texas Alcoholic Beverage Code.⁸ Section 101.31(a) states that "no person in a dry area may manufacture, distill, brew, sell, import into the state, export from the state, transport, distribute, warehouse, store, solicit or take orders for, or possess with intent to sell an alcoholic beverage."⁹ A violation of this section is a class B misdemeanor.¹⁰ No special intent or purpose is required to be found guilty under this section.¹¹

9. Subsequently, Plaintiff was arrested for possessing alcohol in a dry area and charged with prima facie evidence of intent to sell, in violation of section 101.32 of the Texas

⁶ 8 U.S.C. § 1421(c).

⁷ Plaintiff was convicted on May 20, 2004, ordered to pay a \$1,500.00 fine and spend one day in jail. *See Copy of May 20, 2004 Disposition*, attached as Exhibit A.

⁸ *See Copy of January 15, 2004 Athens Police Department Incident Report*, attached as Exhibit B.

⁹ TEX. ALCO. BEV. CODE ANN. § 101.31(a) (Vernon 2006).

¹⁰ *Id.* § 101.31(b).

¹¹ *See Leyva v. State*, 635 S.W.2d 910, 911 (Tex. App.—Amarillo 1982, writ ref'd) ("[t]ransporting an alcoholic beverage in a dry area is unlawful 'without regard to any special intent or purpose'").

Alcoholic Beverage Code.¹² Plaintiff was found guilty of this charge on August 31, 2004, ordered to pay a fine and spend one day in jail.¹³

10. On June 24, 2004, Plaintiff submitted his Application for Naturalization and later attended an interview with the Service on August 01, 2006.¹⁴ During his interview, the District Adjudications Officer asked Plaintiff about his arrest record, and Plaintiff disclosed his prior arrests. In response, the officer issued a Request for Evidence, requesting the arrest records and disposition documents for the 2004 incidents.¹⁵ On January 31, 2007, the Service issued a decision (the “Decision”) denying Plaintiff’s application for failure to demonstrate good moral character during the statutory period because of the two 2004 convictions.¹⁶ The Decision stated that Plaintiff’s conduct did not represent the actions of the average citizen in the community.¹⁷

11. Plaintiff filed a timely administrative appeal of the denial of his Application for Naturalization, in accordance with section 336 of the Act.¹⁸ The Service interviewed Plaintiff in connection with the administrative appeal on July 24, 2007.¹⁹ On August 09, 2007, the Dallas District Director denied the appeal.²⁰ The Service’s denial again stated

¹² TEX. ALCO. BEV. CODE ANN. § 101.32 (Vernon 2006). This offense occurred April 15, 2004. See Copy of August 31, 2004 Disposition, attached as Exhibit C.

¹³ See Copy of August 31, 2004 Disposition, attached as Exhibit C.

¹⁴ See January 31, 2007 Decision, attached as Exhibit D.

¹⁵ See Copy of August 01, 2006 Request for Evidence, attached as Exhibit E.

¹⁶ See January 31, 2007 Decision, attached as Exhibit D.

¹⁷ See *id.*

¹⁸ 8 U.S.C. § 1447.

¹⁹ See Copy of Hearing Notice, attached as Exhibit F.

²⁰ See Copy of August 09, 2007 Decision, attached as Exhibit G.

that Plaintiff's criminal record within the statutory period did not represent the conduct of an average citizen in the community.²¹

12. Plaintiff was and remains eligible for naturalization because at the time of filing his Application for Naturalization:

- (a) Plaintiff had been lawfully admitted to permanent residence, had resided in the United States for more than the requisite five years, and had met the physical presence requirements for naturalization;
- (b) Plaintiff is of good moral character during the period for which good moral character is required, *i.e.*, five years preceding the filing of the Application, and is firmly attached to the principles of the United States Constitution; and,
- (c) The grounds asserted by the Service in support of its denial—that Plaintiff's regulatory offenses show a lack of good moral character—are without foundation.

13. During the statutorily prescribed period, Plaintiff has certainly satisfied the requirement of good moral character. While Plaintiff's criminal convictions occurred within the statutory period, these particular offenses do not fall within the enumerated class of offenses that require a finding of a lack of good moral character.²² Moreover, these incidents do not fall below the standards of the average citizen in the community of residence.

²¹ See Copy of August 09, 2007 Decision, attached as Exhibit G.

²² See 8 C.F.R. § 316.10(b)(1)-(2) (2007).

14. Plaintiff's criminal citations are regulatory violations only and have not been found by the Board of Immigration Appeals (the "Board") or any other immigration authorities to constitute crimes involving moral turpitude.²³ Specifically, the Board has adopted the approach used by the Ninth Circuit, finding that mere regulatory violations in and of themselves do not support a finding that the crime involves moral turpitude.²⁴

15. Accordingly, these acts alone, for instance, would not render an applicant for United States residency inadmissible to the United States. This statutory scheme exists because inadmissibility of an alien is important where the conduct is "inherently base, vile, or depraved, and contrary to accepted rules of morality and the duties owed between persons or to society in general"²⁵ As such, a conviction for possessing alcohol in a dry area or other similar regulatory offense is hardly inherently base or vile conduct. In drawing this parallel, such conduct does not suggest that a person lacks good moral character.

16. Although the Decision states that Plaintiff's actions are not representative of the average citizen in the community, other courts hold otherwise. A California court has held that an applicant convicted for a felony violation of the California Alcoholic Beverage Control Act within the statutory period is nonetheless eligible for naturalization.²⁶ In coming to

²³ See, e.g., *U.S. v. Smith*, 420 F.2d 428 (5th Cir. 1970); *Coykendall v. Skrmetta*, 22 F.2d 120 (5th Cir. 1927); *Matter of G*, 7 I&N Dec. 114 (B.I.A. 1956); *Matter of J*, 2 I&N Dec. 99 (B.I.A. 1944); *Matter of H*, 1 I&N Dec. 394 (B.I.A. 1943); *U.S. ex rel Berlandi v. Reimer*, 113 F.2d 429 (2d Cir. 1940); *Iorio v. Day*, 34 F.2d 920 (2d Cir. 1929).

²⁴ See *L-V-C-*, 22 I&N Dec. 594, 603–04 (B.I.A. 1999) (holding that not all violations of regulatory provisions are "inevitably nefarious, inherently fraudulent, or damaging"). See also *Rodriguez v. Campbell*, 8 F.2d 983, 984 (5th Cir. 1925) (holding that merely entering or re-entering the United States after being deported does not involve moral turpitude); *Matter of Gaglioti*, 10 I&N Dec. 719 (B.I.A. 1964) (holding that a conviction for conspiring to establish gaming devices does not involve moral turpitude because the conduct is not inherently base, vile or depraved).

²⁵ *Matter of Franklin*, 20 I&N Dec. 867, 868 (B.I.A. 1994).

²⁶ *In re Paoli*, 49 F. Supp. 128, 131 (N.D. Cal. 1943).

this conclusion, the court stated that the applicant's "violation was not a vicious one or one which necessarily involved moral turpitude; it was purely a statutory crime."²⁷ Similarly, Plaintiff's criminal convictions are purely statutory crimes and do not reflect adversely upon his moral character.

17. On each occasion for which Plaintiff was cited in 2004, he had in his possession small quantities of alcohol. Admittedly, this was in violation of the prohibition laws in effect in Henderson County, Texas. At the same time, however, storing or possessing alcohol is not indicative of a lack of good moral character. Without a doubt, Plaintiff's actions do not fall below the standards of the average citizen.
18. The record reflects that Plaintiff is now, and has during the statutory period, been a person of good moral character:
 - (a) Since becoming a lawful permanent resident seventeen years ago, Plaintiff has had no criminal convictions apart from the two 2004 convictions.
 - (b) Plaintiff has never committed or been charged with any offenses involving violence, threats of violence, controlled substances, or theft. In short, his only criminal offenses involve the two 2004 regulatory offenses.
 - (c) Plaintiff has filed truthful income tax returns for each year he was required to do so; and
 - (d) Many members of the community have attested to Plaintiff's good character, favorable reputation, and positive contributions to the community.²⁸

²⁷ *Id.*

²⁸ See Letters of Support, attached as Exhibit H.

19. Plaintiff's deep and numerous roots in the United States reflect his attachment to the United States and his positive disposition toward the good order and happiness of the United States as required by section 316(a) of the Act:²⁹
- (a) Plaintiff is a stable, family man;
 - (b) Plaintiff and his wife had eleven children together before his wife's death. All of Plaintiff's children reside in the United States lawfully; and
 - (c) Plaintiff has lawfully resided in the United States since becoming a permanent resident in 1990.

20. In view of the record, the denial of Plaintiff's Application for Naturalization was arbitrary, capricious, an abuse of discretion, and inconsistent with the law. It reflects simple recalcitrance, rather than genuine consideration of the Application. The actions of Defendants in this case are substantially unjustified.

REQUEST FOR RELIEF

WHEREFORE, in view of the foregoing, Plaintiff respectfully prays that Defendants be cited to appear, and that upon due consideration, the Court:

- (a) consider Plaintiff's naturalization application *de novo*, as authorized by section 310(c) of the Act;³⁰
- (b) enter an order approving Plaintiff's application for naturalization;
- (c) award Plaintiff reasonable attorneys' fees; and

²⁹ 8 U.S.C. § 1427(a).

³⁰ 8 U.S.C. § 1421(c).

(d) grant Plaintiff such other relief at law and in equity as justice may require.

Respectfully submitted,

Joseph Reina
State Bar No. 16754550

By: 
Reina & Bates Immigration Law Group
Joseph Reina
State Bar No. 16754550
Brian Bates
State Bar No. 01899600
Lakshmi Nayar
New York State Bar
Maria E. McIntyre
State Bar No. 24028417
Lisa Sotelo
State Bar No. 24046883
Mark McBroom
State Bar No. 24044558
Aminata Konte
State Bar No. 24036926
Shelley Jeri
State Bar No. 24042399
Amanda Ball
State Bar No. 24047676
Belinda Arroyo
State Bar No. 24051925
Verime "Summer" Elmazi
State Bar No. 24042652
Kelly Keckler
State Bar of Ohio
1120 Empire Central Place
Dallas, Texas 75247
Telephone: (214) 905-9100
Facsimile: (214) 905-9510

COUNSEL FOR PLAINTIFF

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Plaintiff's Original Complaint was served by certified mail on:

Honorable Richard B. Roper
U.S. Attorney, Northern District of Texas
1100 Commerce Street, Suite 300
Dallas, Texas 75242-1699

and

Michael Chertoff, Secretary
Department of Homeland Security
Mail Stop: 0300
245 Murray Lane, SW
Washington DC 20528-0300

and

Angela Barrows
District Director
Citizenship and Immigration Services
8101 North Stemmons Freeway
Dallas, Texas 75247

and

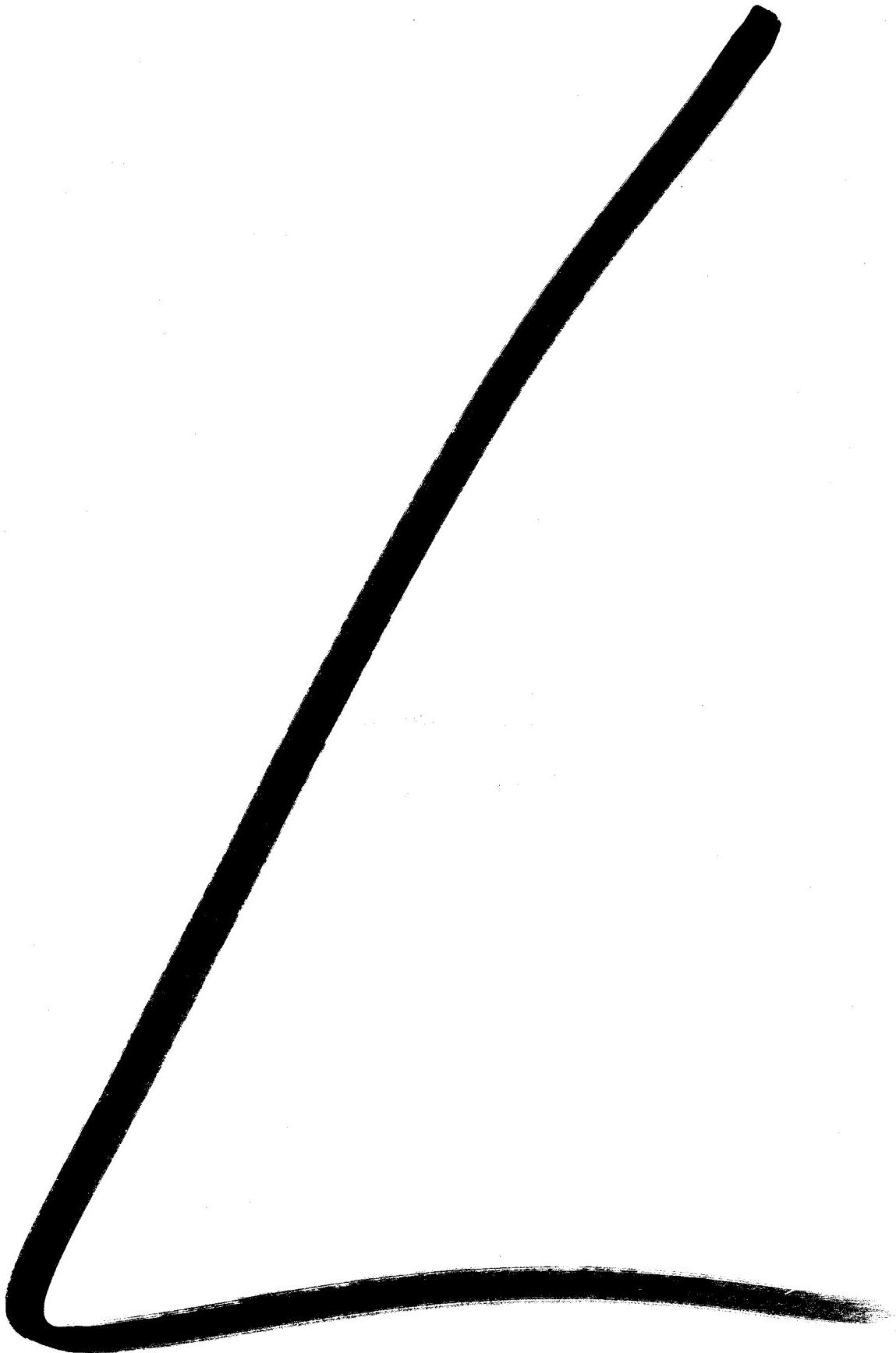
Michael B. Mukasey
Attorney General of the United States
10th & Pennsylvania Avenue, NW
Washington DC 20530

and

Allen Reid Tilson
District Counsel
Citizenship and Immigration Services
8101 North Stemmons Freeway
Dallas, Texas 75247

On this 7th day of December, 2007.


Joseph Reina
Counsel for Plaintiff



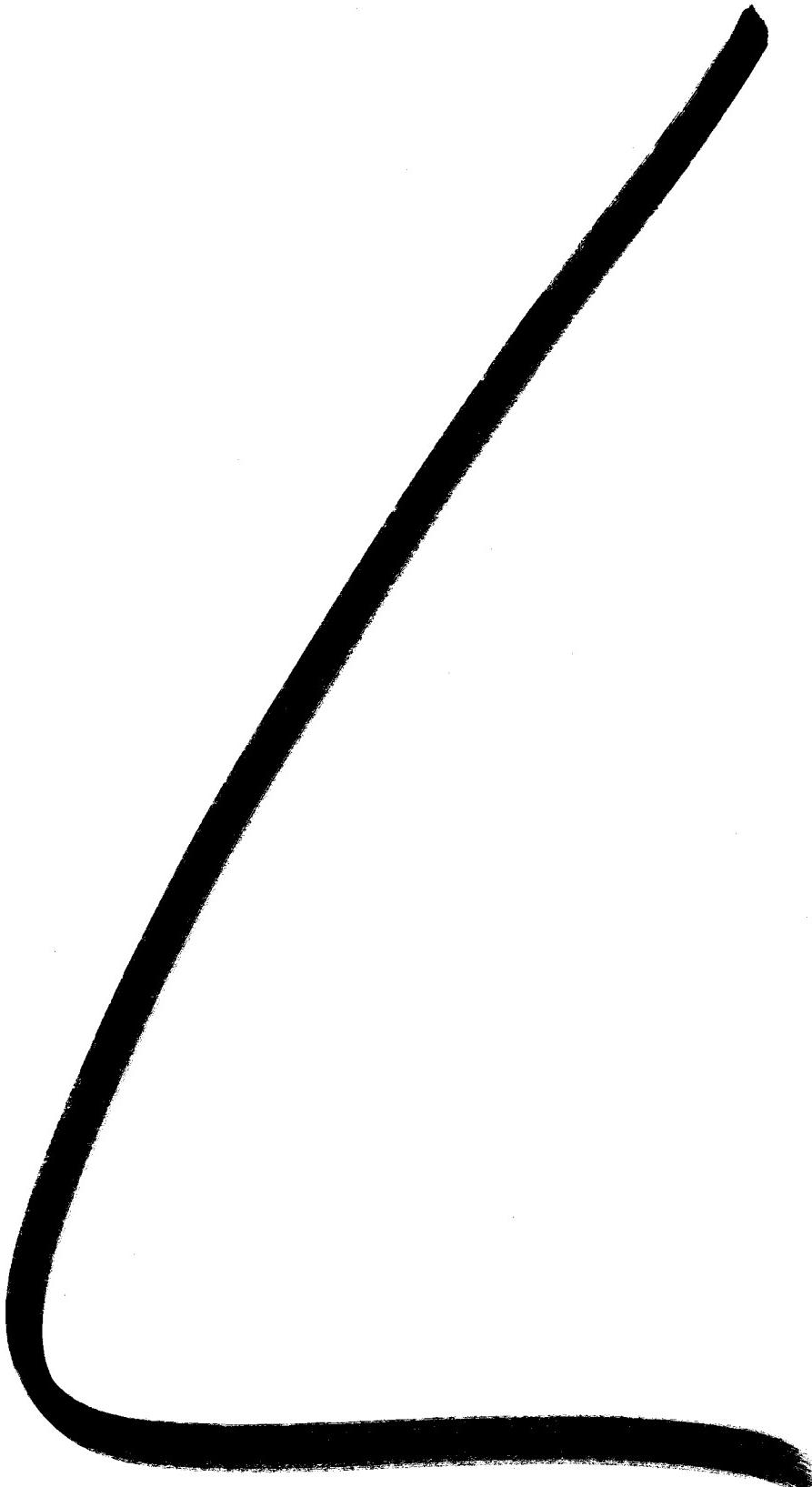
Adan CERRILLO HERNANDEZ

A# 090 972 240

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Exhibits

Copy of May 20, 2004 Disposition	A
Copy of January 15, 2004, Athens Police Department Incident Report	B
Copy of August 31, 2004, Disposition	C
Copy of January 31, 2007, Decision	D
Copy of August 01, 2006, Request for Evidence	E
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Copy of August 09, 2007, Decision	G
Letters of Support	H



CASE # 15470

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CAUSE NO. 04-0677CL

THE STATE OF TEXAS
VS.

HENDERSON COUNTY COURT AT LAW
OF HENDERSON COUNTY, TEXAS

CERRILLO, ADAN HERNANDEZ

JUDGMENT OF PLEA OF GUILTY OR NOLO CONTENDERE BEFORE COURT
WAIVER OF JURY TRIAL

DEFENDANT: CERRILLO, ADAN HERNANDEZ DATE OF ENTRY: May 20, 2004

JUDGE PRESIDING: D. MATT LIVINGSTON

ATTORNEY FOR STATE: JAMES OWEN/BRENDAN GUY/JAMES R. PARRISH/
REBECCA VANN

ATTORNEY FOR DEFENDANT:

OFFENSE: ALCOHOLIC BEVERAGE IN DRY AREA

DATE OF OFFENSE:	01/15/04	CHARGING INSTR:	INFORMATION
DATE OF ARRAIGNMENT:	05/20/04	PLEA:	Guilty

PUNISHMENT & PLACE OF CONFINEMENT: Jail 0 Years 01 Days

DATE OF SENTENCE:	05/20/04	COSTS:	\$240.00
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SENTENCE, AMOUNT OF FINE: \$1,500.00

SPECIAL CONDITIONS: SENTENCE TO BEGIN JUNE 21, 2004 AT 5:00 P.M. AND OUT JUNE
21, 2004 AT 7:00 P.M.

DATE FINE TO BE PAID OR MANNER OF PAYMENT: 6 Months

CREDIT ON SENTENCE:

On this day, set forth above, this cause came for trial and come the State by it's above named attorney, and Defendant appeared in person and by the above named attorney for the Defendant, or, where at Defendant is not represented by counsel, that the Defendant knowingly, intelligently and voluntarily waived the right to Representation by counsel; and announced ready for trial, the Defendant having been heretofore arraigned, as shown above, and having agreed that the testimony may be stipulated in this cause and the Defendant, his counsel, and the State's attorney having agreed in writing in open court to waive a jury in the trial of this cause and to submit this cause to the Court, and the Court having agreed the same, the said attorney for the State read the instrument charging the offense as shown, and the Defendant entered the above shown plea thereto; and it appearing to the Court that the Defendant is mentally competent and the plea is free and voluntary, and the Court having duly admonished the Defendant as to the consequences of such plea, including the range of punishment attached to the offense and the fact that any recommendation of the prosecuting attorney as to punishment is not binding on the Court, yet the Defendant persisted in entering such plea, said plea is by the Court received and now entered of record upon the minutes of the Court as the plea herein of said Defendant. And the Court, after having heard all the evidence submitted for the State and the Defendant and argument of counsel is of the opinion and so finds that the said Defendant is guilty of the offense as confessed and set forth above.

IT IS THEREFORE CONSIDERED AND ORDERED BY THE COURT in the presence of the Defendant, that said judgment be and the same is hereby in all things approved and confirmed and that said Defendant is adjudged guilty of the offense set forth above, by the Court (a jury having been waived in accordance with the law) and that said Defendant is sentenced to a term of imprisonment or fine or both as set forth above, and be delivered by the Sheriff to the Henderson County Jail, State of Texas, or other person legally authorized to receive such convicts for the punishment and execution may issue as necessary.

And the said Defendant is remanded to jail until said Sheriff can obey the directions of this Judgment.



D. Matt Livingston
Judge - County Court at Law

May 20, 2004
Date Signed

NOTICE OF APPEAL _____

APPEAL WITHDRAWN _____

MANDATE RECEIVED _____

FOR IDENTIFICATION _____

04-0677 CL
Adan Hernandez Cerrillo

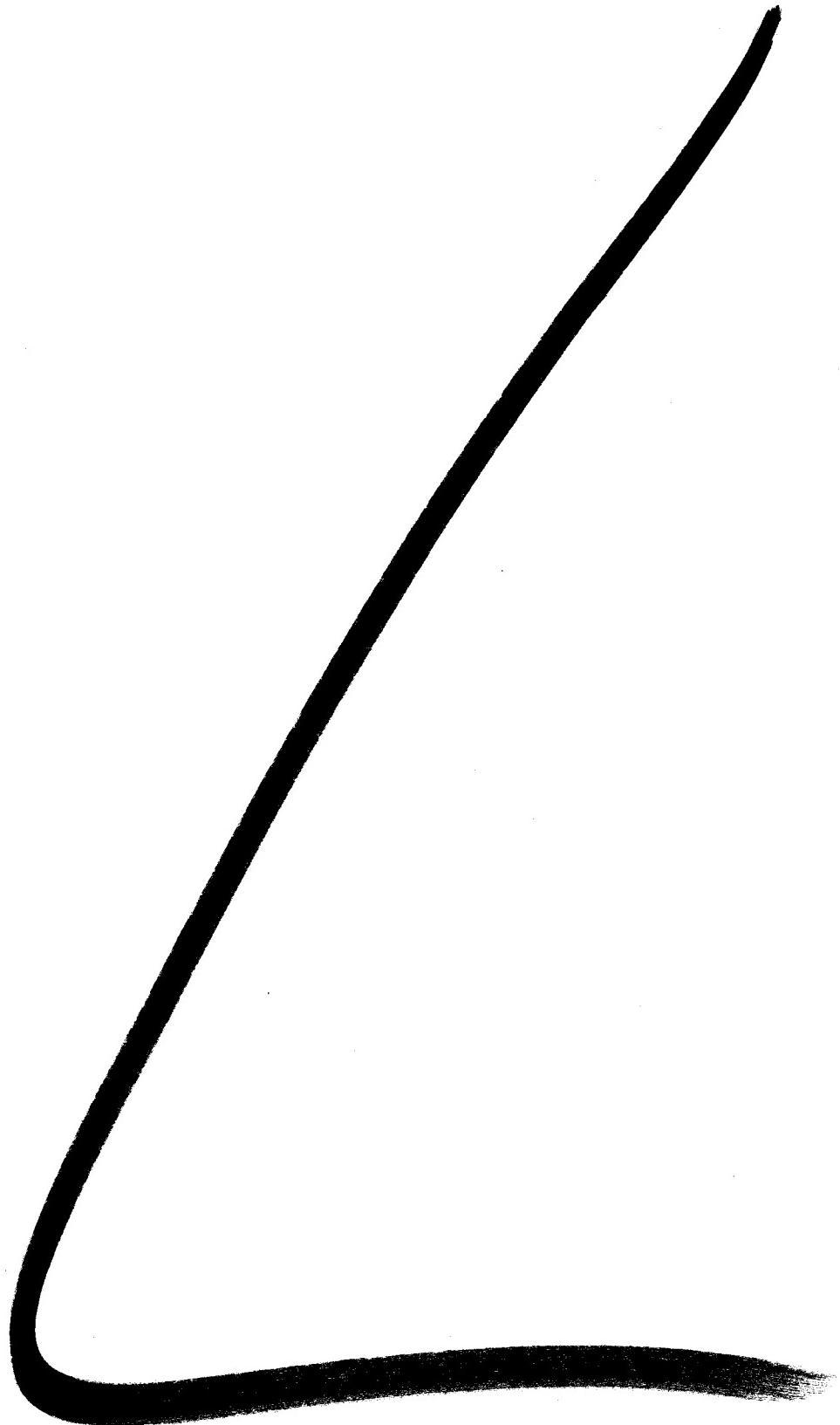


Adan Hernandez
SIGNATURE OF DEFENDANT

RIGHT THUMB PRINT

DATE 5-20-04
BY Gwen Moffit
COUNTY CLERK
HENDERSON COUNTY, TEXAS
Evelyn Anderson
DEPUTY

I, Gwen Moffit, County Clerk in and for
Henderson County, Texas, hereby Certify the
above to be a true and correct copy as the same



ATHENS POLICE DEPARTMENT
Offense / Incident Report

GENERAL OFFENSE INFORMATION

Report Type: Initial Report

Case #	PD04-01-0067	Location	202 W SCOTT STREET
File #			ATHENS TX 75751
Offense	ALCOHOLIC BEVERAGE IN DRY AREA		
Incident Status	CLEARED BY ARREST	From Date/Time	01/15/2004 21:23
Reporting Officer	YARBROUGH, DON R.	To Date/Time	01/15/2004 21:23
Initial Rep. Date	01/15/2004 21:23	Report Date	01/15/2004 00:00

OFFENSE(S)

Bias Type	Bias Motivation		
If Burglary:	Burglary Entry Point	Entry Method	
Offense	ALCOHOLIC BEVERERAGE DRY AREA M*		
Statute	101.31		
Offense Status	COMPLETED		
Location	HIGHWAY/ROAD/ALLEY		
Computer	N	Alcohol Y	Drug N
Weapons			
Criminal Activity			

COMPLAINANT

Name	MORMAN, SGT BRETT		
Address	202 W SCOTT STREET ATHENS TX 75751		
Race	Ethnic	Sex	DOB
Height	Weight	Hair	Eyes
S.S.N.	DL & St.		

VICTIM(S)

Name	STATE OF TEXAS,		
Address	202 W SCOTT STREET ATHENS, TX 75751		
Race	Ethnic	Sex	DOB
Height	Weight	Hair	Eyes
S.S.N.	DL & St.		
Type of Victim	GOVERNMENT	Victim Of	Injury Type
If Homicide:	Homicide Circumstance		

SUBJECT(S)

Name	CERRILLO, ADAN HERNANDEZ		
Address	203 1ST ATHENS, TX 75751		
Race	W	Ethnic	H
Height	5'04"	Weight	160
S.S.N.	***-**-***	DL & St. [REDACTED]	
Sub. Type	SUSPECT		
Notes			

Case No: PD04-01-0067

PROPERTY

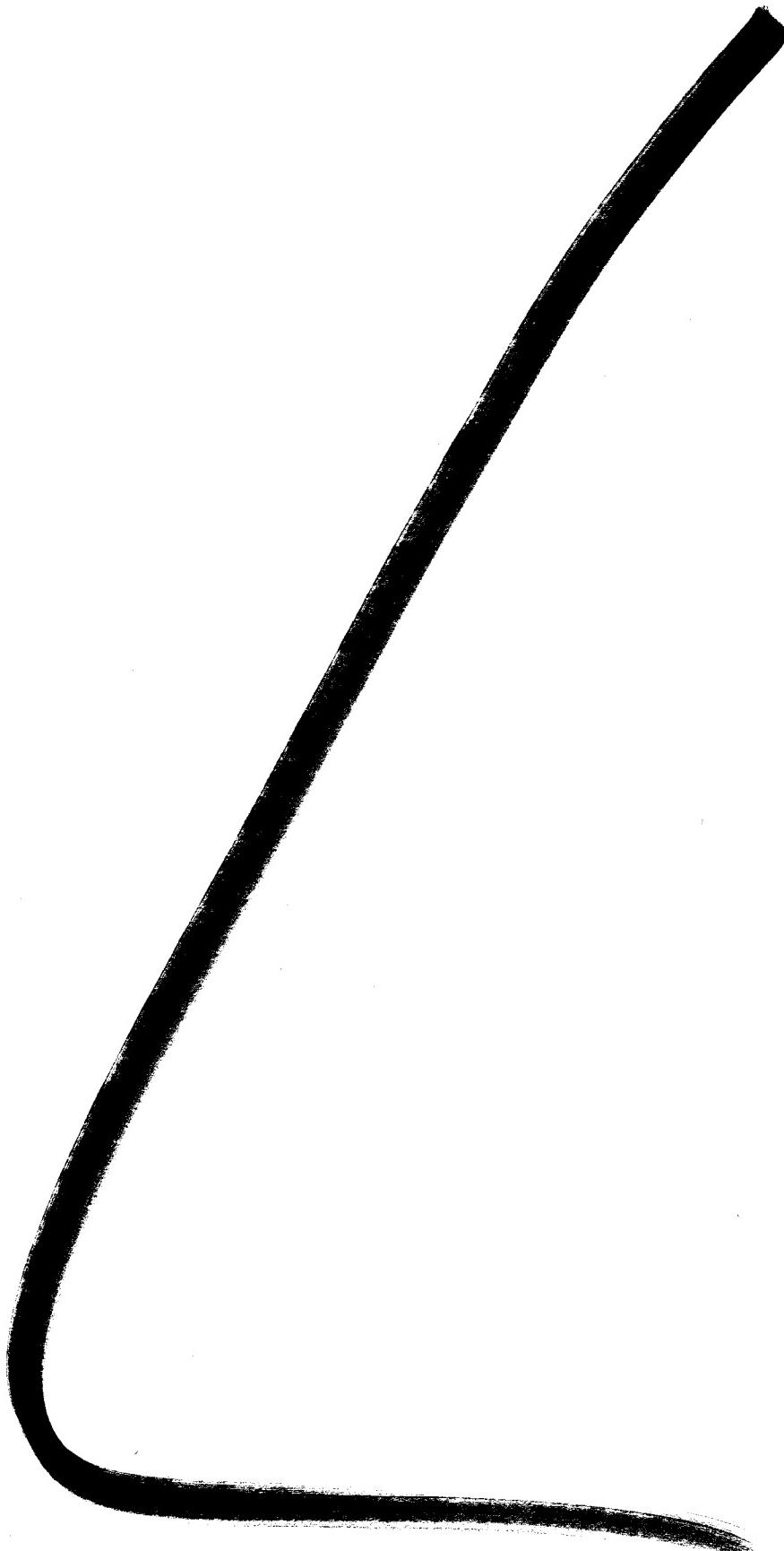
Property Type	Consumable Goods	Loss Type	RECOVERED
Description	SEE ATTACHED SHEET		
Make	Model	Style	
Serial No / VIN	Plate No/ State/ Type		
Vehicle Year			
Loss Date	Loss Quantity	Loss Value	
Rec Date	Rec Quantity	Rec Value	
Drug Type	Drug Quantity	Drug Value	

Entered By MCMILLAN, SHARON K.

Officer YARBROUGH, DON R.

Supervisor

1. Police Clearance
Letter
 2. Certified
 felony / Misdemeanor
 record.
 3. Certified final
 court disposition.



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CAUSE NO. 04-1074CL

THE STATE OF TEXAS

HENDERSON COUNTY COURT AT LAW

VS.

OF HENDERSON COUNTY, TEXAS

CERRILLO, ADAN HERNANDEZ

JUDGMENT OF PLEA OF GUILTY OR NOLO CONTENDERE BEFORE COURT
WAIVER OF JURY TRIAL

DEFENDANT: CERRILLO, ADAN HERNANDEZ DATE OF ENTRY: AUGUST 31, 2004

JUDGE PRESIDING: D. MATT LIVINGSTON

ATTORNEY FOR STATE: JAMES OWEN/BRENDAN GUY/ JAMES R. PARRISH/
JASON HONEYCUTT

ATTORNEY FOR DEFENDANT:

OFFENSE: PRIMAFACIE OF INTENT TO SELL ALCOHOLIC BEVERAGES

DATE OF OFFENSE: 04/15/04 CHARGING INSTR: INFORMATION

DATE OF ARRAIGNMENT: 08/31/04 PLEA: Guilty

PUNISHMENT & PLACE OF CONFINEMENT: Jail 0 Years 01 Days

DATE OF SENTENCE: 08/31/04 COSTS: \$240.00

SENTENCE, AMOUNT OF FINE: \$2,000.00

SPECIAL CONDITIONS:

DATE FINE TO BE PAID OR MANNER OF PAYMENT: 6 MONTHS

CREDIT ON SENTENCE: 1 DAY

On this day, set forth above, this cause came for trial and come the State by it's above named attorney, and Defendant appeared in person and by the above named attorney for the Defendant, or, where at Defendant is not represented by counsel, that the Defendant knowingly, intelligently and voluntarily waived the right to Representation by counsel; and announced ready for trial, the Defendant having been heretofore arraigned, as Shown above, and having agreed that the testimony may be stipulated in this cause and the Defendant, his counsel, and the State's attorney having agreed in writing in open court to waive a jury in the trial of this cause and to submit this cause to the Court, and the Court having agreed the same, the said attorney for the State read the instrument charging the offense as shown, and the Defendant entered the above shown plea thereto; and It appearing to the Court that the Defendant is mentally competent and the plea is free and voluntary, and the Court having duly admonished the Defendant as to the consequences of such plea, including the range of punishment attached to the offense and the fact that any recommendation of the prosecuting attorney as to punishment is not binding on the Court, yet the Defendant persisted in entering such plea, said plea is by the Court received and now entered of record upon the minutes of the Court as the plea herein of said Defendant. And the Court, after having heard all the evidence submitted for the State and the Defendant and argument of counsel is of the opinion and so finds that the said Defendant is guilty of the offense as confessed and set forth above.

IT IS THEREFORE CONSIDERED AND ORDERED BY THE COURT in the presence of the Defendant, that said judgment be and the same is hereby in all things approved and confirmed and that said Defendant is adjudged guilty of the offense set forth above, by the Court (a jury having been waived in accordance with the law) and that said Defendant is sentenced to a term of imprisonment or fine or both as set forth above, and be delivered by the Sheriff to the Henderson County Jail, State of Texas, or other person legally authorized to receive such convicts for the punishment and execution may issue as necessary.

And the said Defendant is remanded to jail until said Sheriff can obey the directions of this Judgment.



D. Matt Livingston
Judge - County Court at Law

August 31, 2004

Date Signed

NOTICE OF APPEAL _____

APPEAL WITHDRAWN _____

MANDATE RECEIVED _____

FOR IDENTIFICATION _____

04-1074 CL

Adam Hernandez Cerrillo



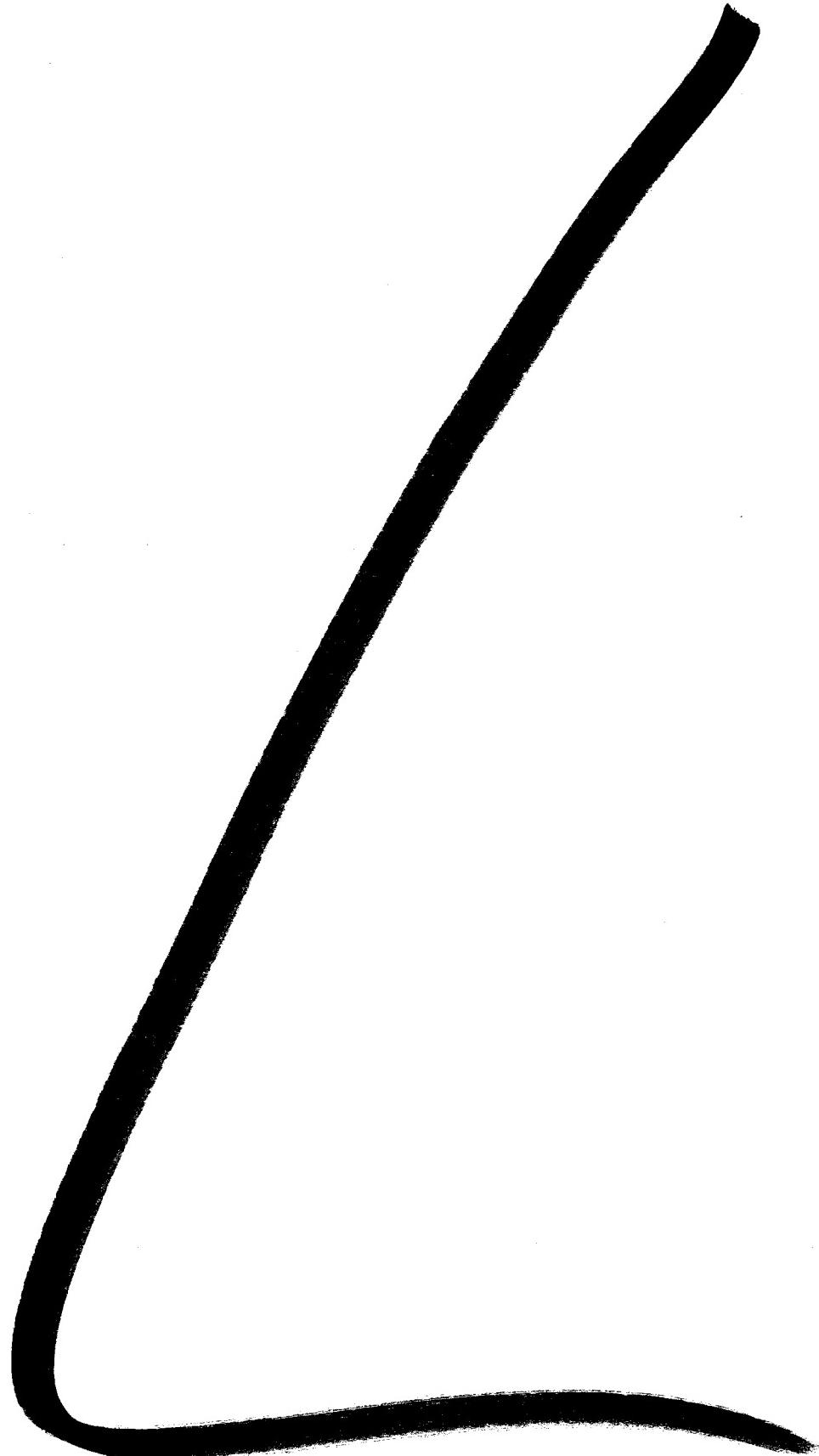
Adam Hernandez Cerrillo
SIGNATURE OF DEFENDANT

RIGHT THUMB PRINT

FILED FOR RECORD
DATE: August 31, 2004
Owen Morris, County Clerk
HENDERSON COUNTY, TEXAS
Deputy

I, Owen Morris, County Clerk in and for
Henderson County, Texas, hereby Certify the





U.S. Department of Homeland Security
8101 Stemmons Freeway
Dallas, Texas 75247

Numero de consulta 323566

CASE #15480



U.S. Citizenship
and Immigration
Services

Date: JAN 31 2007

Refer to File Number: A90 972 240

Adan Cerrillo
203 1st St.
Athens, TX 75751

DZI Adan Cerrillo

PAKIA Abogados Reyna
Abogados Reyna

DECISION

On August 1, 2006, you appeared for an examination on your Application for Naturalization, Form N-400, which you filed on June 24, 2004 in accordance with Section 316(a) of the Immigration and Nationality Act, as amended. Pursuant to the examination of your application, it is determined that you are ineligible for naturalization for the following reason(s):

Section 316 of the Immigration and Nationality Act, as amended, states in pertinent part:

- (a) No person, except as otherwise provided in this title, shall be naturalized, unless such applicant,
 - (3) during all the periods referred to in this subsection has been and still is a person of good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the United States.

Title 8, Code of Federal Regulations (CFR), Part 316.10 states in pertinent part:

- (a) Requirement of good moral character during the statutory period.
- (2) In accordance with section 101(f) of the Act, the Service shall evaluate claims of good moral character on a case-by-case basis taking into account the elements enumerated in this section and the standards of the average citizen in the community of residence...
- (b) Finding of a lack of good moral character.
- (3) Unless the applicant establishes extenuating circumstances, the applicant shall be found to lack good moral character if, during the statutory period, the applicant:

- CASE # 15480*
- (iii) committed unlawful acts that adversely reflect upon the applicant's moral character, or was convicted or imprisoned for such acts, although the acts do not fall within the purview of §316.10(b) (1) or (2).

USCIS records reveal that on or about January 15, 2004 you were arrested in Athens, TX for Alcoholic Beverage in Dry Area. A further review shows that on or about April 15, 2004, in Athens, TX, you were again arrested. You were arrested the second time for Prima-facie of Intent to Sell Alcoholic Beverages. In both cases you were found guilty and ordered to pay fines. Your convictions occurred during the statutory period during which you were required to demonstrate good moral character. This conduct does not represent the actions of the average citizen in the community.

Based on the foregoing, it is determined that you have not met the requirements for good moral character under Section 316(a)(3) of the INA and 8 CFR 316.10(a), (b) and (c) as cited above therefore, you are ineligible for naturalization. Accordingly, your application is denied.

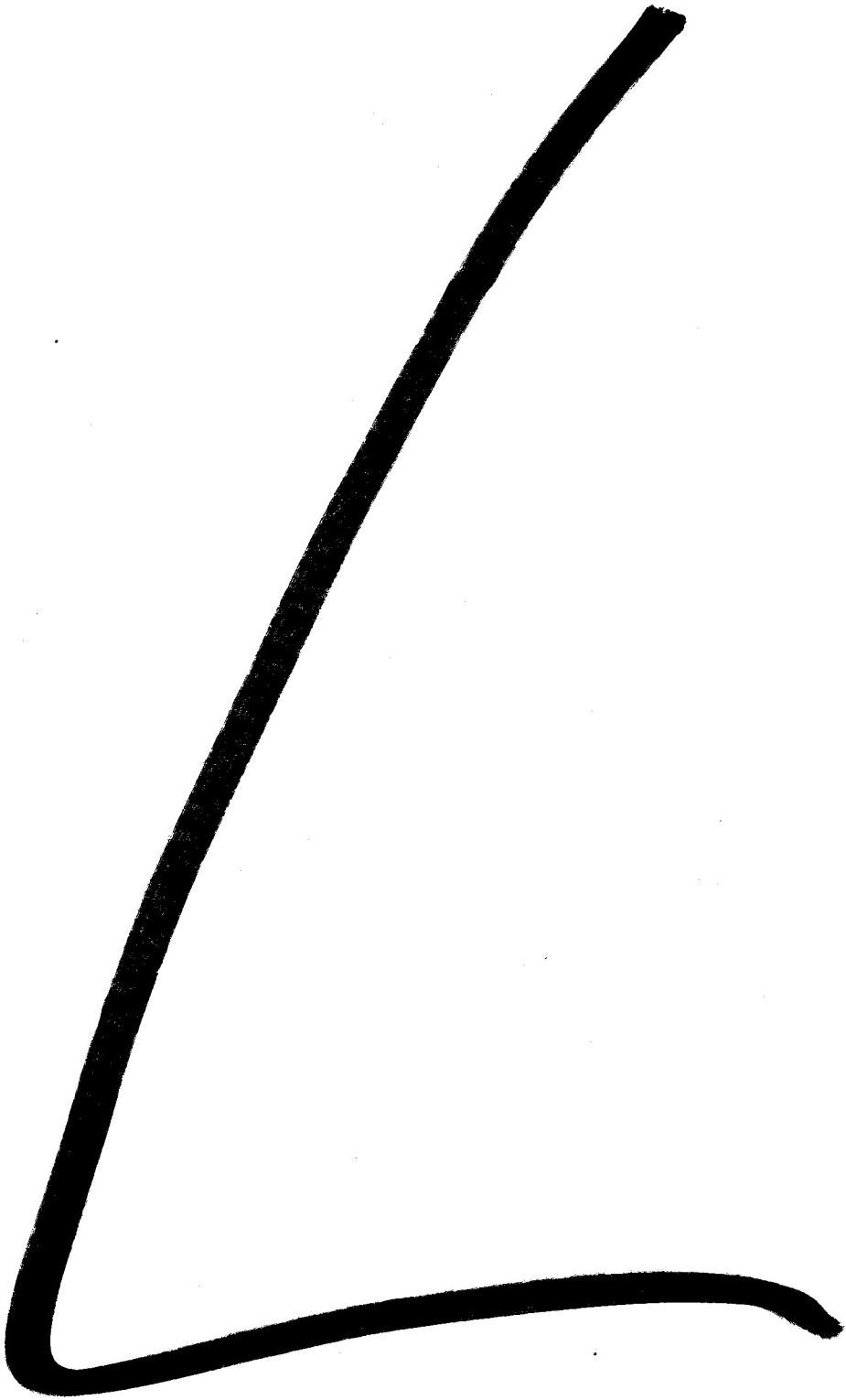
If you desire to request a review hearing on this decision pursuant to Section 336(a) of the Act, you must file a request for hearing. You must file the request within 30 days of the date of this notice. If no request for hearing is filed within the time allowed, this decision is final. A request for hearing may be made to the District Director with the U.S. Citizenship and Immigration Services office that made the decision. You should file the request with the proper fee on Form N-336, Request for Hearing on a Decision in Naturalization Proceedings, under Section 336 of the Act. A brief or other written statement in support of your request may be submitted with the N-336.

Sincerely,


Angela K. Barrows
District Director

Enclosure(s): N -336

cc: PAUL ESCARVEL





Direct all responses by mail to the office listed below:
U.S. Citizenship and Immigration Services
8101 N. Stemmons Fwy
Dallas, TX 75247

CASE # 15480

Adan Cerrillo

File No.: A90 972 240

Date: August 1, 2006

Officer: C. BREWER

Examination of your application (N400) shows that additional information, documents or forms are needed before Your application can be acted upon. Please **RETURN THIS LETTER WITH REQUESTED INFORMATION and/or DOCUMENTS by: September 1, 2006**

MAIL THIS TO: USCIS DALLAS DISTRICT
8101 N. Stemmons Fwy
Dallas Tx 75247

Failure to do so may result in the denial of your application.

*PROOF OF YOUR REGISTRATION FOR SELECTIVE SERVICE: EITHER A COPY OF YOUR SELECTIVE SERVICE CARD OR COPY OF YOUR REGISTRATION, OR A PHOTOCOPY OF A LETTER FROM THE SELECTIVE SERVICE STATING THAT YOU HAD ATTEMPTED TO REGISTER. YOU MAY WRITE TO THE REGIONAL OFFICE AT: SELECTIVE SERVICE SYSTEM
P. O. BOX 94738
PALATINE, IL 60094-4738
1-847-688-6888

A certified copy of the **Police Criminal/Incident Report (Arrest Report)** and the **Final Court Disposition/Judgment and Conviction** for **all** your arrests, you must also include any letters of release from probation and proof of fine payment for any fines associated with any of these arrests.

If the police and/or court have no record of the case, you must provide USCIS with a certified document that states that no information is available on the case. This certified document must state that a Misdemeanor and Felony records check was conducted for the name and date of birth that was used at the time of the arrest. You must obtain the court dispositions from County Court (Magistrate Court), City Court (Municipal Court) and District Court as available. Any submission of a "no record found" document must come from all the aforementioned courts to ensure that a complete search has been made. Any arrest you have had that is not listed below still has to have the required documents submitted.

CHARGE: Open Container

DATE: January 2004

AGENCY: Athens Police Department

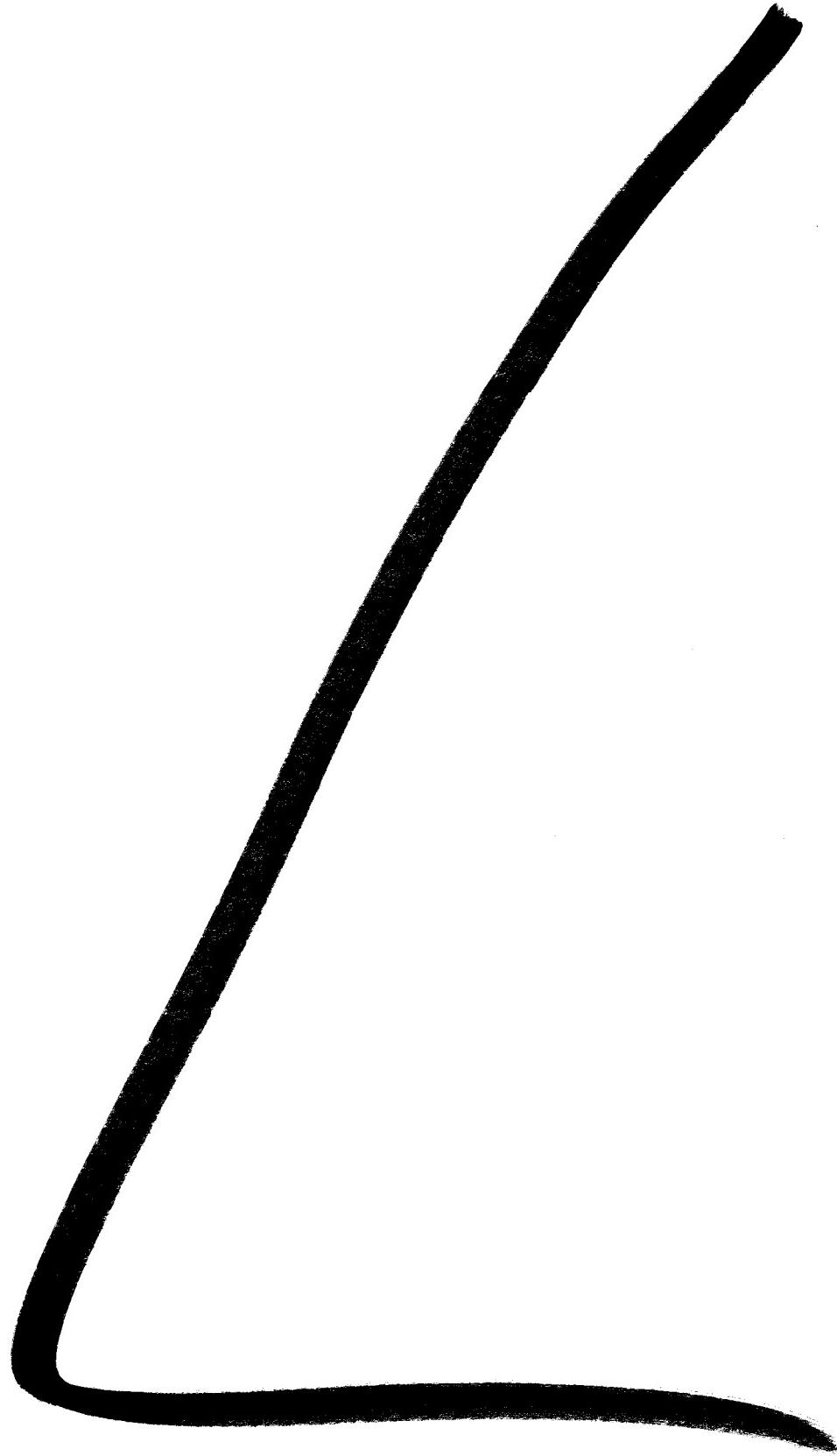
You must provide evidence of all absences from the U.S. from _____ until the present. It must include the date left the U.S. and the date returned, the destination, and the reason for the trip. The Service is unable to determine your eligibility for citizenship without this information.

POLICE CLEARANCE(S) FROM YOUR LOCAL LAW ENFORCEMENT AGENCY(IES), WITHIN THE JURISDICTION WHERE YOU HAVE RESIDED FOR THE LAST 5 YEARS. IN CASES WHERE YOUR JURISDICTION DOES NOT HAVE A LOCAL POLICE DEPARTMENT, YOU MUST OBTAIN POLICE CLEARANCES FROM THE APPROPRIATE COUNTY SHERIFF OR STATE POLICE.

PROVIE PROOF OF MEMBERSHIP IN YOUR CHUCH AND ITS BELIEFS CONCERNING BEARING ARMS. SUBMIT INFORMATION ON OFFICIAL CHURCH LETTERHEAD STATIONERY.

OTHER:

Form N-14 (REV 9/16/97)





ADAN CERRILLO HERNANDEZ
506 LAUREL ROAD
ATHENS , TX 75751

File Number: A 90972240
Date: June 22, 2007

Please come to the office shown below at the time and place indicated in connection with an official matter.

OFFICE LOCATION	Room No.	Floor No.
	BUREAU OF CITIZENSHIP & IMMIGRATION SERVICES 3010 N. Stemmons Freeway Dallas, Texas 75247	
DATE AND HOUR	7/24/2007 1:45PM	
ASK FOR	DISTRICT ADJUDICATIONS OFFICER GHANVEY	
REASON FOR APPOINTMENT	YOUR REQUEST FOR A HEARING ON A DECISION IN NATURALIZATION PROCEEDINGS UNDER SECTION 336 OF THE ACT	
BRING WITH YOU	ALIEN REGISTRATION CARD, DRIVERS LICENSE AND THIS LETTER PLUS ANY ADDITIONAL INFORMATION YOU WISH TO PRESENT IN SUPPORT OF YOUR APPEAL	

IT IS IMPORTANT THAT YOU KEEP THIS APPOINTMENT AND BRING THIS LETTER WITH YOU.

If you are unable to do so, state your reason, sign below and return this letter to this office at once.

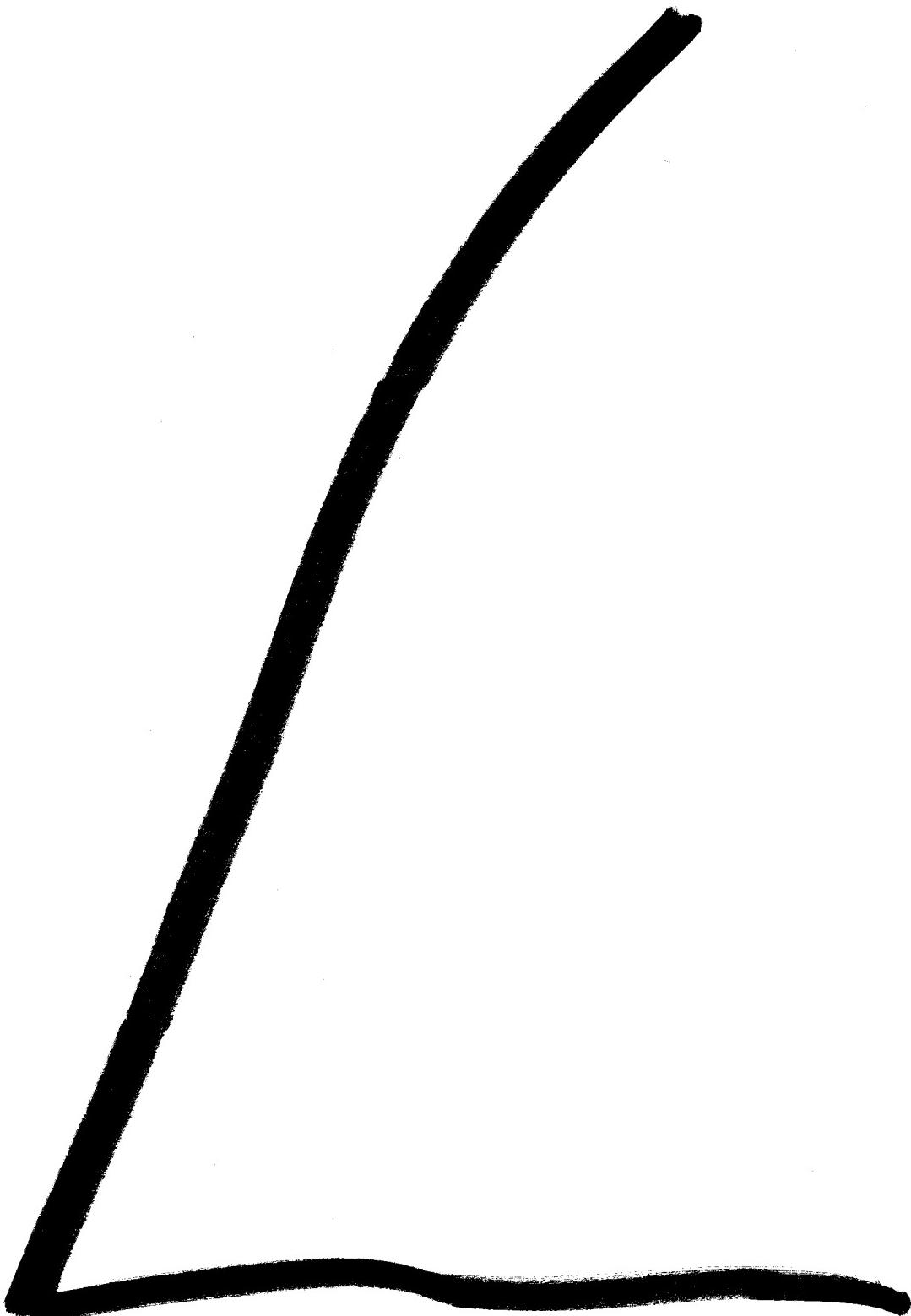
SIGNATURE	DATE:

Very truly yours,

Angela K. Barrows

Angela K. Barrows
Director
Citizenship & Immigration
Services

Shelley Jeri
1120 Empire Central Place
Dallas, TX 75247





**U.S. Citizenship
and Immigration
Services**

Date: **AUG 09 2007**

File: A 90 972 240

Adan Cerrillo Hernandez
Reina & Associates, P.C.
1120 Empire Central Place
Dallas, Texas 75247

DECISION

Pursuant to the investigation and examination of your application, it is determined that you are ineligible for naturalization because you do not meet the requirements of good moral character as described in Section 316(a) of the Immigration and Nationality Act.

The record shows that you filed an Application for Naturalization, Form N-400, on September 8, 2005. On January 31, 2007, your application was denied for failure to establish eligibility for naturalization in accordance with Title Eight, Code of Federal Regulations, Part 316.10. Your Request for Hearing on a Decision Naturalization Proceeding Under Section 336 of the Act was filed timely.

On July 24, 2007, you appeared before a duly designated District Adjudications Officer of the Service concerning your request.

According to the record, you filed an Application for Naturalization, Form N-400, on September 8, 2005. During the five-year period in which you must establish good moral character, which began on September 8, 2000, you were arrested and convicted for two (2) offenses. The following list contains a summary of your arrests according to police reports and conviction documents.

Conviction Date	Place	Offense	Conviction/Results
05-15-2004	Henderson County, Texas	Alcoholic Beverage in Dry Area	1 day Jail time \$1500.00 Fine
8-31-2004	Henderson County, Texas	Prima facie of Intent to Sell Alcoholic Beverages	1 day Jail time \$2000.00 Fine

Section 316 of the Immigration and Nationality Act, as amended, states in pertinent part:

- (a) No person, except as otherwise provided in this title, shall be naturalized, unless such applicant,
 - (3) during all the periods referred to in this subsection has been and still is a person of good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the United States.

Title Eight, Code of Federal Regulations, Part 316.10 states in pertinent part:

- (a) Requirement of good moral character during the statutory period.
 - (1) An applicant for naturalization bears the burden of demonstrating that, during the statutorily prescribed period, he or she has been and continues to be a person of good moral character. This includes the period between the examination and the administration of the oath of allegiance.
 - (2) In accordance with section 101(f) of the Act, the Service shall evaluate claims of good moral character on a case-by-case basis taking into account the elements enumerated in this section and the standards of the average citizen in the community of residence. The Service is not limited to reviewing the applicant's conduct during the five years immediately preceding the filing of the application, but may take into consideration, as a basis for its determination, the applicant's conduct and acts at any time prior to that period, if the conduct of the applicant during the statutory period does not reflect that there has been reformation of character from an earlier period or if the earlier conduct and acts appear relevant to a determination of the applicant's present moral character.
- (b) Finding of a lack of good moral character.
 - (3) Unless the applicant establishes extenuating circumstances, the applicant shall be found to lack good moral character if, during the statutory period, the applicant:
 - (iii) committed unlawful acts that adversely reflect upon the applicant's moral character, or was convicted or imprisoned for such acts, although the acts do not fall within the purview of §316.10(b) (1) or (2).

Your convictions, viewed in their totality, do not characterize the standards of the average citizen in the community of residence, reformation of character from an earlier period, nor do they reflect the behavior of a person of good moral character. Your actions show a disregard for the laws as demonstrated by a finding of guilt for 2 offenses within a five-year period. You presented letters from several acquaintances asking that consideration be given to you and your application for citizenship, but these letters do not outweigh your actions as demonstrated by your arrest and conviction history.

Your multiple alcohol-related arrests do not represent the conduct of an average citizen in the community.

Page 3

Based on the above information, it has been determined that you do not meet the good moral character requirement of the Act. Therefore, in accordance with Section 316(a) of the Immigration and Nationality Act and 8 CFR 316.10(a) and (b) as cited above, you are ineligible for naturalization. Therefore, your Request for Hearing on a Decision In Naturalization Proceedings Under Section 336 of the Act is denied.

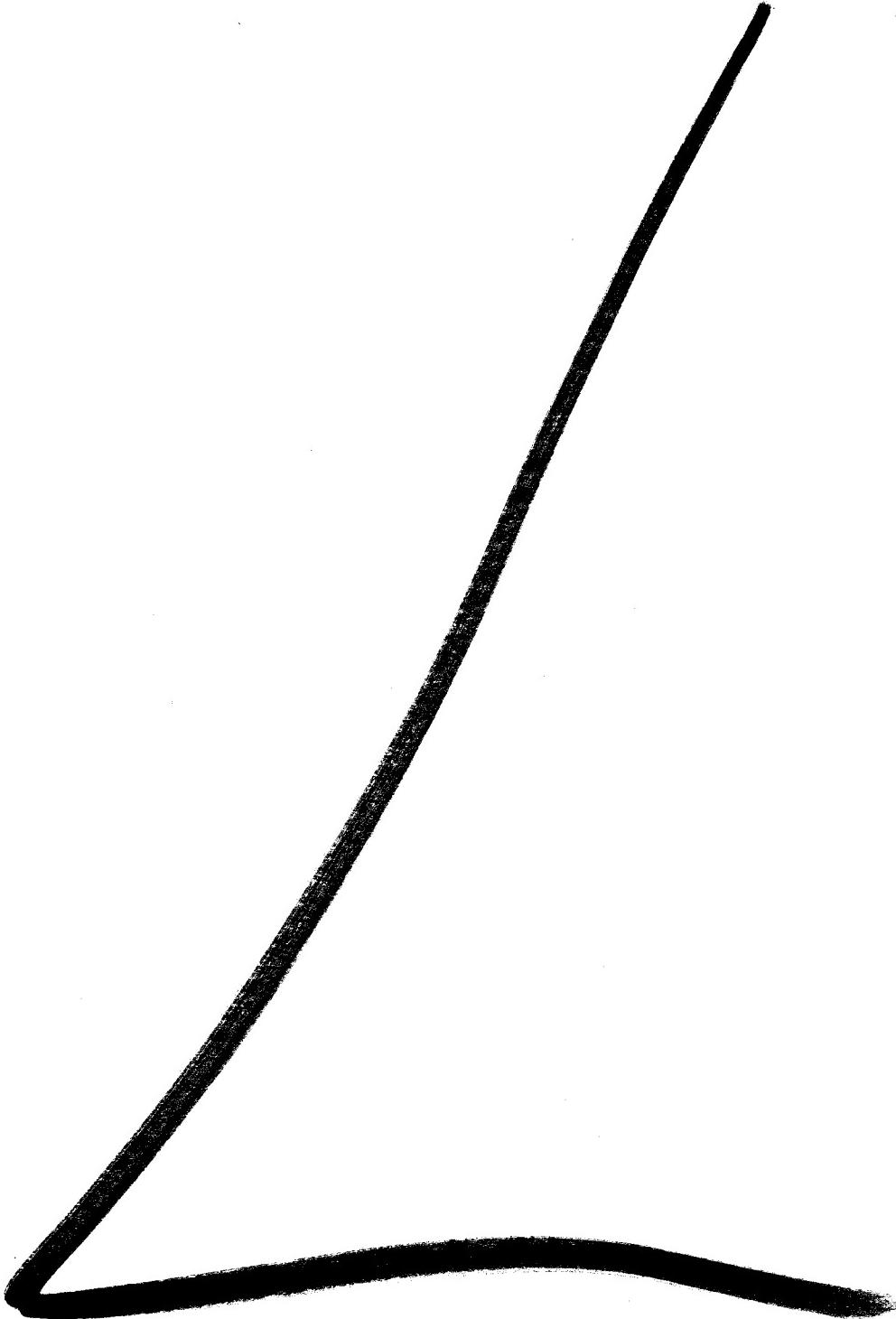
This decision is without prejudice toward the filing of a new application for naturalization in the future, provided you met the requirements of Section 316 of the Act.

If you desire to request a review hearing on this decision pursuant to Section 310(c) of the Immigration and Nationality Act, you must file a petition in the United States District Court having jurisdiction over your residence. The petition must be filed within 120 days from the date of this notice. If no request for review is filed within the time allowed, this decision is final.

Sincerely,



Tracy Tarango
Field Office Director



March 21, 2007

I am Gozafat Romero. I am writing this letter to verify that Adan Cerrillo donated a contribution of \$52 for expenses used in a celebration at St. Peter Claver church to collect money for the construction of the parking lot of this church. Also, I want to verify that Mr. Cerrillo is a good man and I regard him as a nice man with good character morals.

Thank you for your time. In case of any questions, please feel free to contact me. My phone number is (903)533-1742.

Sincerely,

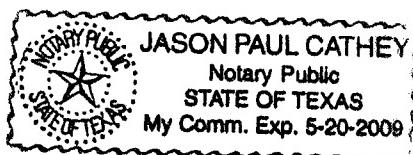
Gozafat Romero
(903)533-1742

By Gozafat Romero Date 03/28/07
Gozafat Romero

State of: Texas County of: Smith
Subscribed and sworn to before me this 29 day of March, 2007

Notary Public: J. Paul Cathey
Printed Name: JASON PAUL CATHEY
My Commission expires 5-20-2009

Notary Seal:



March 26, 2007.

To whom it may concern,

This letter is to verify that I Rogelio Romero knows Adan Cerrillo for the past 10 years. And I can say that he is a very good man. A kind person and I consider him as a person with good character morals. Please if I can help him in anything else let me know or if you need my assistance on anything else let me know.

Thank you for your time. If you have any questions regarding this letter please call me. My phone number is (903)521-7068.

Sincerely,

Rogelio Romero
(903)521-7068

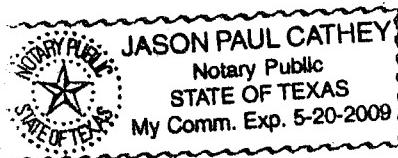
By Rogelio Romero
Rogelio Romero

Date 3-31-07

State of: Texas County of: Smith
Subscribed and sworn to before me this 31st day of March, 2007

Notary Public: J. Paul Cathey
Printed Name: JASON PAUL CATHEY
My Commission expires 5-20-2009

Notary Seal:



Aztec Auto Body & Mechanic

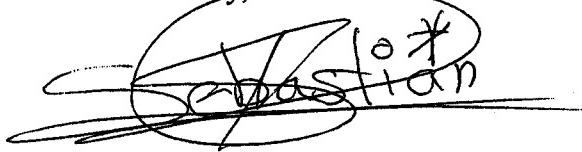
Sebastian Sanchez
2401 Fort Worth St.
Grand Prairie, TX 75050
Phone (817) 715-4048

March 27, 2007

To whom this may concern,

I write this letter to inform you of my judgment towards Adan Cerrillo. He has been a family friend for over six years. In my opinion Adan has been a responsible person who always puts others before himself. I understand that he is in the process of receiving his citizenship, and I would like to have you know that he is a reliable and caring person whom should get the chance to become a citizen of this country. With that said, I leave it to you to consider my opinion of Adan when you make your decision. If you have any other question don't hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Sebastian Sanchez". The signature is written in a cursive style with some loops and variations in letter height.

Sebastian Sanchez



F A R M E R S®

Charles L. Rogers
Insurance and Financial Services Agent
734 E Corsicana St
Athens, TX 75751
Phone: 903-677-6130
Fax: 903-677-6138

March 28, 2007

TO WHOM IT MAY CONCERN:

Adan Cerrillo has been a client of my agency since December of 2004. I have found Adan to be dependable and trustworthy. He always makes his payments in a timely manner and responds appropriately when needed. If you need any further assistance please contact me.

Sincerely,

A handwritten signature in black ink that appears to read "Charles Rogers".

Charles Rogers
Agent/Owner

March 29, 2008 *MC*

To whom this may concern,

I, Marvin Castro, have been acquainted with Adan Cerrillo for approximately a total of nine years. He is a very generous person who has been there to support me in my time of need. Not only has he helped me financially, but also humanely. Mr. Cerrillo has been like a father to me, supporting my decisions and encouraging me to do right. I believe that Mr. Cerrillo deserves to obtain his citizenship of The United States of America. I am sure that he will make an outstanding citizen! If you need any further information, do not bother to call me at (903) 288- 1301.

Sincerely,

Marvin Castro

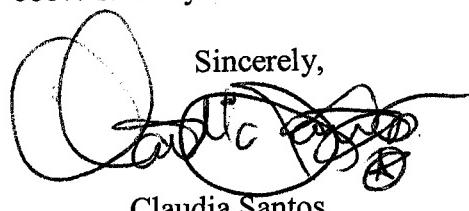
Marvin Castro

March 29, 2007

To whom it may concern,

I, Claudia Santos, would like to inform you that I have known Adan Cerrillo for about 10 years. He is a law abiding citizen and one of the best citizens in this community. I am a family friend and would like to state that he is a great candidate for the United States citizenship. If you have any questions in regards to any information on this person, Adan Cerrillo, please feel free to contact me at (903) 275-6817. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Claudia Santos".

Claudia Santos

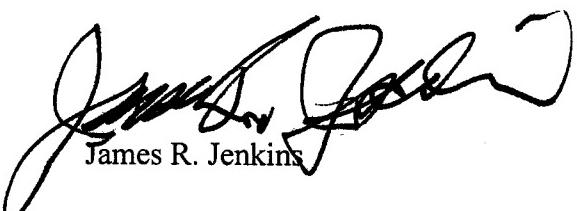
April 5, 2007

Mrs. J's Plant Farm
Bob & Elfreida Jenkins
PO Box 1126
Athens, TX 75751
1-800-676-7757
Fax# 1-903-675-3269

To Whom It May Concern:

This letter is to inform you that Adam Cerrillo was employed with this company for ten years. Until the time of his retirement, he always showed up on schedule and on time even on the weekends. I had no problems with his work and would say that he was a perfect employee during the time he worked here. If you need any other information, please feel free to call the number listed above.

Thank you,



A handwritten signature in black ink, appearing to read "James R. Jenkins".

James R. Jenkins

A-1 AUTO SALES
811 W CORSICANA
ATHENS, TEXAS 75751
903-677-1419
903-677-3694fx
email: rideatthey@earthlink.net

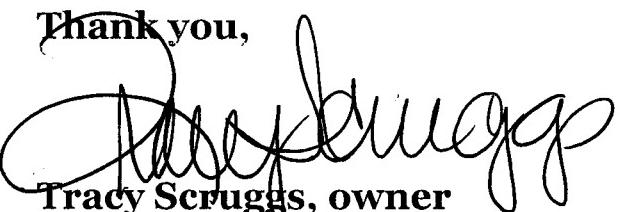
March 30, 2007

To Whom it may concern;

This letter is in reference to Adan Cerrillo address 506 Laurel Rd. Athens, Texas 75751. I have known Mr. Cerrillo for approx. 6 years. He has purchased vehicles from us and he also carries his insurance with us. Mr. Cerrillo always pays his obligations on time and is a very courteous customer. I have also sold his family and friends vehicles and insurance. He seems to be very family oriented and seems to have a lot of good community ties.

Therefore I think Mr. Cerrillo would make a very good US citizen.

Thank you,


Tracy Scruggs, owner

15180
SS18P

May 28, 2007

Maria Socorro Santos
(903) 275-2699

To whom this may concern:

Adan Cerrillo is a generous man and I have known him all of my life. There are not any complains that I have ever had throughout our acquaintance. Adan has been a good, responsible man. There are several of ways in which I could reassure you of that.

Sincerely,

Maria S. Santos

Maria S. Santos

May 23, 2007

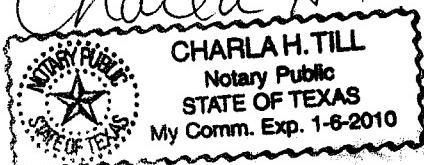
To whom this may concern,

I write this letter to inform you of my judgment towards Adan Cerrillo. He is a great, honest man. Adan is my father and I am very proud of the man that he is. In my opinion Adan has been a responsible person who always puts others before himself. He deserves the chance to be given his citizenship. He is a great man and I could say the same a thousands times without hesitating. With that said, I leave it to you to consider my opinion of Adan when you make your decision. If you have any other questions contact me.

Sincerely,

Alma D. Cerrillo

Alma Cerrillo

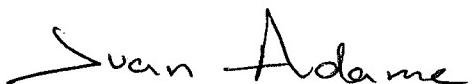


Juan Adame
314 Mitchell St.
Athens, TX 75751

To whom this may concern,

Adan Cerrillo is a peaceful person and I have known him for many years. He is a family friend who I owe much too. He has sheltered my family before when our house was taken away from us. He helped me and my family get back in our feet after having a difficult time. He is an incredible person who deserves to be treated with respect and kindness. He will always be someone who I look up to and be grateful to.

Thanks,



Juan Adame

May 13, 2007

Ana Cerrillo
(903) 477-0969

To whom this may concern,

I write this note to notify you that Adan Cerrillo, who is my father, is a very nice and loving parent. He is the most admirable person that I have met. There is so many things that this man has contributed in. My dad has been a very hard worker and he knows that nothing will be given to him without him putting any effort in to earning it. Same reason why he wants for you to consider his approval of becoming a United States citizen. He as well as the rest of our family are willing to do anything that you ask of him to do in order to become a citizen. Please give him a chance; I believe that he really deserves it.

Sincerely,

Ana Cerrillo

Ana C. Cerrillo

May 10, 2007

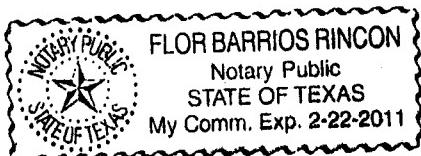
To whom this may concern,

Adan Cerrillo is a very generous person who has been my friend for several of years. I am very thankful to him because he has helped me through some difficult times. When my son was in the hospital I didn't have enough money to pay his doctor bills and Adan donated \$200 when everyone turned their backs on me. I will never forget such a kind act. He is a wonderful man and I am pretty sure that I am not the only person that believes so.

Sincerely,

Carmela Gonzales
Carmela Gonzales
(903) 675-4021

Swear Before Me on this
23rd day of May 2007
At Henderson, CO. USA



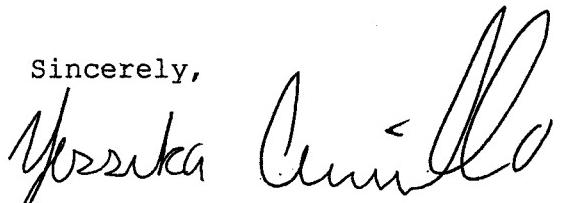
Flor Barrios Rincon

May 7, 2007

To whom this may concern,

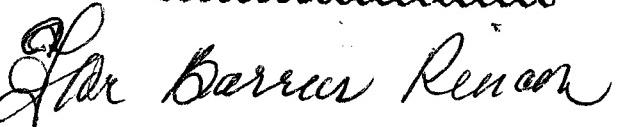
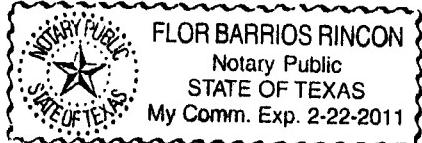
Adan Cerrillo has been a well behaved resident of the United States. He has always held himself responsible for his actions. He is willing to do anything that you might ask of him in order to become a U.S. citizen. To become a citizen is what he has always wished for. Adan is my father and I know him better than anyone and I can reassure you that you will have no problems with him in the future. Please don't hesitate to call me for any further questions.

Sincerely,



Yessika Cerrillo
(903) 264-1262

Sworn Before Me on
the 23rd day of May 2007
At Henderson Co. USA



15180

May 12, 2007

Maria Cerrillo
506 Laurel Rd
Athens, TX 75751

To whom this may concern,

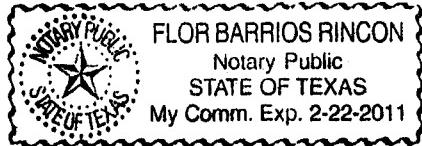
I write to tell you about my perspective of Adan Cerrillo. He is a very generous, loving and caring person. He is the one person in which I believe has the greatest impact on my decisions. Although he has made a couple of mistakes, I believe that he deserves to be forgiven. There is no excuse for his breaking the law and we completely understand that. However, Adan has done nothing else to make anyone view him in negative way. Adan Cerrillo is not only the most strong and caring person that I know, he is also my father. I have lived with him ever since my mother died and he has never had an issue in supporting and providing for others. I ask you to please take my opinions of him and keep them in mind when you make your decision.

Sincerely,

Maria Cerrillo

Maria Cerrillo

Sworn Before Me on
the 23rd day of May 2007
At Anderson Co. USA



Flor Barrios Rincon

15480

May 12, 2007

Yolanda Cerrillo
(903) 245-0153

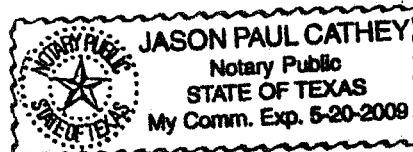
To whom this may concern,

I write to describe my father Adan Cerrillo. When I think of words to describe him all I could think of is his honesty, responsibility and wonderful kindness that he has towards others. My dad is a very nice person whom ought to get the chance of becoming a US citizen after all this years of being a legal resident. He has been the best parent anyone could possibly have and I admire that in him. Please consider my opinion and give him a chance.

Sincerely,


Yolanda Cerrillo





15980

May 18, 2007

I am Maria de Jesus Palacio. I have known Adan Cerrillo for quite a few years and he is a responsible person and loving parent. He has been there for his family and friends in all types of situations. He helps me with a small contribution of \$200 few months ago, when I was going thru a really bad situation. I understand that he is waiting for an approval to become a U.S.A. Citizen and I would advise you that to accept him as a citizen of this free, unique and amazing country would be no mistake. Please consider my opinion on your decision.

Sincerely,

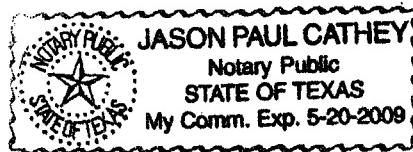
Maria de Jesus Palacio.

By Maria Palacio Date 05-24-07
Maria de Jesus Palacio

State of: Texas County of: Smith

Subscribed and sworn to before me this 24th day of MAY, 2007

Notary Public: J. Paul Cathey
Printed Name: JASON PAUL CATHEY
My Commission expires 5-20-2009



Cristobal Cortez
408 W. Scott St
Athens, TX 75751

May 13, 2007

I am Mr. Cerrillo's close friend who has known him for over six years and I think that he is a loving parent and responsible man. He is an extraordinary man who has been there for his family and friends in all types of situations. He is like no other person that I have ever met. I understand that he is waiting for an approval to become a U.S.A. citizen and I would advice you that to accept him as a citizen of this unique and amazing country would be no mistake. Well, I have shared my opinions of Adan Cerrillo and I hope that it helps on the final decision. Thank you for hearing me out.

Thanks,

Cristobal Cortez

Cristobal Cortez

May 2, 2007

Domitila Resendiz
214 Tillison St
Athens, TX 75751
(903) 261 1701

I have known Adan Cerrillo for quite a few years. Mr. Cerrillo is a very loyal and responsible person. He puts family before anything else with no exceptions. He is the type of person who will keep his word in any type of situation. If I was to be personally asked to describe Mr. Cerrillo, I would say that he is a very nice man who will support and help anyone in their time of need. Please consider what I have informed you before you choose to label him as either a good or a bad man.

Thank you,

DOMITILA RESENDIZ

Domitila Resendiz

May 7, 2007

Luis Cerrillo

Adan Cerrillo is my dad and he is in the process of becoming a citizen. I am very sure that he will do anything that you ask of him in order to be accepted as a citizen in this very privilege country. He has been a very committed legal resident for over 15 years. He has put a lot of effort into becoming a great man. I understand that there was a bump in his destination to achievement but he has done nothing else that would make him a wrongful person. Please consider my opinion and the facts that I have offered you.

Thank you,

Luis Cerrillo

Luis Cerrillo

15180

May 27, 2007

Genaro Cerrillo
(903) 292 8254

To whom this may concern,

Adan Cerrillo is my father and I am glad to have you know of the type of person that he is. Adan is a very independent man who struggles each day for a better living. He has been very responsible and hard working man. Adan always cares for others as much as for himself. He has been a good resident and is willing to become a better citizen! For further questions, contact me.

Sincerely,

Genaro Cerrillo

Genaro Cerrillo
(903) 292- 8254

May 10, 2007

To whom this may concern,

Adan Cerrillo is my father and I have no negative opinions of him. He is the most responsible person that I have known within my life. He has been there for me for 43 years and I still appreciate him for not giving up on those he loved and on life. He is an elderly person but he still stands strong and keeps his word. He broke the law in the past and perhaps his reasons will never add up to become an excuse, but he promised to never repeat that mistake and he has kept his word. I believe in him and I would sure appreciate it if you would try to as well.

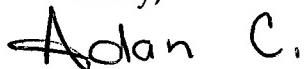
Sincerely,

Marcial Cerrillo

May 10, 2007

Adan Cerrillo is my father and he is a very honest and hard working man. He has helped others deal with problems emotionally and financially. My father is a strong man who has managed to raise eleven children of his own with nobody else's help. He is the best influence that I could ever have. He is a very honorable man and I believe that he should get the chance to become a US citizen. Please take my opinions of my father and consider them on your decision making.

Sincerely,

 Adan C.

Adan Cerrillo Jr.
(903) 288-1550



Diocese of Tyler St. Jude Catholic Church

172 Luther Lane
Gun Barrel City, Texas 75156
903.887.1452 - Fax 903.887.4906

Parish Priest
Fr. Francis O'Dowd

June 5, 2007

To Whom It May Concern:

I hereby acknowledge that Adan Cerillo is a member of St. Jude Catholic Church. This is confirmed by me with the acknowledgement of Fr. Raymundo Garcia and others in our parish that Adan regularly attends Mass on Sunday here at St. Jude.

Sincerely yours,

Fr. Francis O'Dowd
Fr. Francis O'Dowd, P.P.

Fr. Raymundo Garcia
Cc: Fr. Raymundo Garcia

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

ORIGINAL
Cerrillo-Hernandez, Adan(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF Henderson
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Joseph Reina
Reina & Bates Immigration Law Group
1120 Empire Central Place
Dallas, Texas 75247 (214) 905-9100

DEFENDANTS

Michael Chertoff, Secretary,
Department of Homeland Security
U.S. Citizenship & Immigration Services
Angela Barrows, District DirectorCOUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT TarrantNOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE
TRACT OF LAND INVOLVED.RECEIVED
DEC -6-2007CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
1100 Commerce St., Ste. 300
Dallas, Texas 75242-1699

II. BASIS OF JURISDICTION (PLACE AN "X" IN ONE BOX ONLY)

- | | |
|-----------------------------------------------------------------|------------------------------------------------------------------------------------|
| <input type="checkbox"/> 1 U.S. Government Plaintiff | <input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) |
| <input checked="" type="checkbox"/> 2 U.S. Government Defendant | <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III) |

III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN "X" IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

- | | PTF | DEF | PTF | DEF | |
|-----------------------------------------|----------------------------|----------------------------|---------------------------------------------------------------|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (PLACE AN "X" IN ONE BOX ONLY)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	PERSONAL INJURY	PERSONAL INJURY	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 362 Personal Injury — Med. Malpractice	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 365 Personal Injury — Product Liability	PROPERTY RIGHTS	<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 820 Copyrights	<input type="checkbox"/> 450 Commerce/ICC Rates/etc.
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Federal Employers' Liability	PERSONAL PROPERTY	<input type="checkbox"/> 830 Patent	<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans)	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 371 Truth in Lending	LABOR	<input type="checkbox"/> 810 Selective Service
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 380 Other Personal Property Damage	SOCIAL SECURITY	<input type="checkbox"/> 850 Securities/Commodities/Exchange
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 710 Fair Labor Standards Act	<input type="checkbox"/> 875 Customer Challenges 12 USC 3410
<input type="checkbox"/> 180 Other Contract	<input type="checkbox"/> 360 Other Personal Injury		<input type="checkbox"/> 720 Labor/Mgmt. Relations	<input type="checkbox"/> 881 Agricultural Acts
<input type="checkbox"/> 185 Contract Product Liability			<input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act	<input type="checkbox"/> 882 Economic Stabilization Act
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	<input type="checkbox"/> 740 Railway Labor Act	<input type="checkbox"/> 883 Environmental Matters
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 750 Other Labor Litigation	<input type="checkbox"/> 884 Energy Allocation Act
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 442 Employment	HABEAS CORPUS:	<input type="checkbox"/> 791 Emp. Ret. Inc. Security Act	<input type="checkbox"/> 885 Freedom of Information Act
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 443 Housing/ Accommodations	<input type="checkbox"/> 530 General	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	<input type="checkbox"/> 886 Appeal of Fee Determination Under Equal Access to Justice
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 444 Welfare	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 871 IRS — Third Party 28 USC 7609	<input type="checkbox"/> 887 Constitutionality of State Statutes
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 446 Other Civil Rights	<input type="checkbox"/> 540 Mandamus & Other		<input type="checkbox"/> 888 Other Statutory Actions
<input type="checkbox"/> 250 All Other Real Property		<input type="checkbox"/> 550 Civil Rights		
		<input type="checkbox"/> 555 Prison Condition		

V. ORIGIN

(PLACE AN "X" IN ONE BOX ONLY)

- | | | | | | |
|-----------------------------------------------------------|-----------------------------------------------------|----------------------------------------------------------|---------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> 1 Original Proceeding | <input type="checkbox"/> 2 Removed from State Court | <input type="checkbox"/> 3 Remanded from Appellate Court | <input type="checkbox"/> 4 Reinstated or Reopened | Transferred from <input type="checkbox"/> 5 another district (specify) <input type="checkbox"/> 6 Multidistrict Litigation | Appeal to District Judge from <input type="checkbox"/> 7 Magistrate Judgment |
|-----------------------------------------------------------|-----------------------------------------------------|----------------------------------------------------------|---------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------|

VI. CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE BRIEF STATEMENT OF CAUSE.
DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

Action for review of denial of naturalization under Section 310 (c) of the Immigration and Nationality Act (8 U.S.C. § 1421 (c)).

VII. REQUESTED IN COMPLAINT:	CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23	DEMAND \$	CHECK YES only if demanded in complaint: JURY DEMAND: <input type="checkbox"/> YES <input type="checkbox"/> NO
		Attorney fees	

VIII. RELATED CASE(S) (See instructions): IF ANY	JUDGE	DOCKET NUMBER

DATE SIGNATURE OF ATTORNEY OF RECORD

12/06/07
FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE